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Message Text

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ACTION ARA-15

INFO OCT-01 HA-05 ISO-00 CIAE-00 DODE-00 PM-05 H-01
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E. O. 11652: N/A
TAGS: PINS, PINT, SHUM, CI
SUBJECT: CHILE'S PROPOSED CONSTITUTION SURFACES

REF: SANTIAGO 2694

1. SEPTEMBER 7 "EL MERCURIO" PUBLISHED THE DRAFT CONSTITUTION PREPARED BY ENRIQUE ORTUZAR'S CONSTITUTIONAL DRAFTING COMMITTEE DURING THE LAST FIVE YEARS. IT DID NOT PRINT THE LENGTHY EXPLANATORY NOTES TO THE DRAFT. THE COMMITTEE SUBMITTED ITS 306 PAGE REPORT TO PRESIDENT PINOCHET AUGUST 16 BUT THE GOC HAD BEEN RESTRICTING DISTRIBUTION. ORTUZAR SAYS THAT SINCE PARTS OF THE REPORT HAVE NOW APPEARED, THE FULL DOCUMENT WILL BE RELEASED. REPORTEDLY HE IS SENDING COPIES TO ALL MEDIA.

2. WE EXPECT PINOCHET TO DEVOTE A MAJOR PORTION OF HIS SEPTEMBER 11 FIFTH ANNIVERSARY ADDRESS TO THE NATION TO THE DRAFT. GOC SPOKESMEN HAVE SAID THAT THE SPEECH WILL BE OF "TRANSCENDENTAL" IMPORTANCE -- BUT SIMILAR CLAIMS IN YEARS PAST HAVE FALLEN SHORT.

3. BY OUR STANDARDS, THE DRAFT IS EXCRUCIATINGLY DETAILED. MANY OF ITS PROVISIONS SEEM DESIGNED TO RECTIFY SPECIFIC PAST PROBLEMS. THE DRAFT CONSTITUTION REQUIRED FOUR FULL PAGES OF "EL MERCURIO".

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4. THE DRAFT APPEARS TO INCORPORATE THE MECHANISMS SPELLED OUT IN REFTEL -- PRESIDENT POPULARLY ELECTED FOR A SINGLE EIGHT YEAR TERM (ALTHOUGH THE COMMITTEE MAY HAVE PROPOSED OTHER OPTIONS AS WELL); -- 150 DEPUTIES POPULARLY ELECTED FOR FOUR YEAR TERMS; -- THIRTY SENATORS ELECTED ON A NATIONAWIDE BASIS FOR EIGHT YEAR TERMS AND 15 SENATORS REPRESENTING VARIOUS FUNCTIONAL SECTORS APPOINTED; -- A CONSTITUTIONAL TRIBUNAL OF THREE SUPREME

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COURT JUSTICES (CHOSEN BY THE COURT) PLUS TWO LAWYERS CHOSEN
BY THE COURT PLUS LAWYERS CHOSEN RESPECTIVELY BY THE PRESIDENT
AND THE SENATE; AND, -- A "SECURITY COUNCIL" WHICH SEEMS TO HAVE
ONLY AN ADVISORY ROLE TO THE PRESIDENT. THE CURRENT COMPTROLLER
AND JUDICAL SYSTEMS REMAIN GENERALLY UNCHANGED.

4. COMMENT: ORTUZAR'S GROUP HAS STRUGGLED TO PUT TOGETHER A
COHERENT DOCUMENT PRESERVING MANY OF THE IDEAS OF LIBERAL DEMOCRACY
YET INCORPORATING PROVISIONS AIMED AT "PROTECTING" THAT DEMOCRACY.
ON QUICK READING THE IDEA IS TO LIMIT THE POWER OF THE STATE IN
THE SOCIETY WHILE AT THE SAME TIME GREATLY STRENGTHENING THE
PRESIDENCY AND DEBILITATING THE LEGISLATURE. REDUCING LEGISLATIVE
CHECKS IS TO BE OFFSET BY CREATING "DELIBERATIVE" BODIES (THE
NEW SENATE AND CONSTITUTIONAL COURT). MEANWHILE EXTREMISM OF RIGHT
OR LEFT (IDEOLOGIES "ESPOUSING TOTALITARIANISM OR BASED
UPON VIOLENCE OR CLASS STRUGGLE") IS TO BE ELIMINATED BY MAKING
IT UNCONSTITUTIONAL AND PREVENTING ADHERENTS FROM VOTING OR
ASSUMING POSITIONS OF INVLUENCE IN OR OUT OF GOVERNMENT.
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